

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

)	
UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 97A00071
)	
FISHER GRADING & EXCAVATING,)	Judge Robert L. Barton, Jr.
INC.,)	
Respondent.)	
)	

DECISION AND ORDER APPROVING CONSENT FINDINGS

(March 25, 1997)

On February 14, 1997, a Complaint Regarding Unlawful Employment was filed by Complainant against Respondent, pursuant to 8 U.S.C. 1324a. Attached to the Complaint and incorporated therein by reference was a Notice of Intent to Fine (hereinafter referred to as the "Notice"), which had previously been personally served upon the Respondent on April 8, 1992.

Complainant and Respondent have filed a Stipulated Motion to Approve Consent Findings with attached "Settlement Agreement Containing Consent Findings" signed by both parties.

Upon review and full consideration of the Motion and attached Settlement Agreement Containing Consent Findings filed by the parties, I find that it complies with the requirements of 28 C.F.R. Section 68.14(b) of the Rules of Practice and Procedure for Administrative Hearings before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair Immigration-Related Employment Practices, and fully disposes of the allegations set forth in the Complaint by providing that the Respondent pay the total sum of Six Thousand Five Hundred Dollars (\$6,500) in full settlement and satisfaction of all claims against the Respondent set forth in the Notice. I conclude that the proposed Settlement Agreement is fair and satisfactory, and there is no reason not to accept it within the contemplation of 28 C.F.R. 68.14. On the basis of the proposed Settlement Agreement, I find and conclude that Respondent has violated Section 274(a)(1)(b) of the Act.

Accordingly, the numbered provisions proposed by the Parties in the "Settlement Agreement Containing Consent Findings" are adopted by this Court as the Consent Findings in this case. The Consent Findings are hereby approved and incorporated by reference in this Decision and Order, and all relief sought is hereby granted.

IT IS HEREBY ORDERED that the Respondent pay a civil monetary penalty in the total sum of Six Thousand Five Hundred Dollars (\$6,500) in accordance with the terms set forth in the Settlement Agreement and the numbered provisions therein which are adopted as Consent Findings.

This Decision and order is the final order of the judge in accordance with Section 68.52(b) of the Final Rules of Practice and Procedures, supra. As provided in those Rules, id., at Section 68.53, this Decision and order shall become the final order of the Attorney General unless within thirty (30) days from the date of this Decision and Order, the Chief Administrative Hearing Officer vacates or modifies it.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of March, 1997, I have served the foregoing Decision and Order Approving Consent Findings on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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